

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SUK JOON RYU, a/k/a James S.  
Ryu,**

**Plaintiff,**

**v.**

**BANK OF HOPE,**

**Defendant.**

Civ. No. 19-18998 (KM) (JBC)

**ORDER**

**IT APPEARING** that this matter has come before the Court on the defendant's motion to dismiss Count I (malicious use of process) of the complaint (DE 11), pursuant to Fed. R. Civ. P. 12(b)(6); and

**IT FURTHER APPEARING** that the plaintiff objects to the defendant's citation of certain documents, which he concedes are referred to in his Complaint; and

**THE COURT**, while understanding defendant's argument that the documents are properly considered on a motion to dismiss, nevertheless wishes to ensure that the plaintiff has had a full opportunity to respond;

**IT IS** this 22d day of July 2020,

**ORDERED** that the plaintiff is placed on notice that defendant's motion to dismiss Count I of the complaint (DE 11) is for these purposes deemed one for summary judgment, pursuant to Fed. R. Civ. P. 12(d);<sup>1</sup> and it is further

**ORDERED** that plaintiff may, at his option, file supplemental papers presenting any additional material pertinent to the motion, within 14 days after

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<sup>1</sup> (d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

Fed. R. Civ. P. 12(d).

this Order is filed. No reply may be filed without prior authorization of the Court.

/s/ Kevin McNulty

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**Hon. Kevin McNulty**  
**United States District Judge**